

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANTOSH B. CHAND,

Defendant.

Case No. 06-cr-30129-DRH

ORDER

HERNDON, District Judge:

Defendant Santosh Chand has filed a second Motion to Continue Trial (Doc. 23) as currently set for May 14, 2007. Defendant informs the Court that she was diagnosed with stage IIIA multiple myeloma back in December, 2006, which required hospitalization and further medical treatment. Due to her current condition, Defendant has been unable to assist counsel with the preparation of her defense. Therefore, Defendant seeks a further continuance of trial so that she may have the opportunity to recover from her cancer treatments. Defendant states that the Government has been informed and does not object. Additionally, Defendant seeks a case management conference sometime in June, 2007, so that she may apprise the Court of the status of her treatment and recovery.

Defendant's condition is very likely to impede her ability to effectively work with counsel in preparing a defense. Thus, it appears a continuance is

warranted as failure to grant a continuance may “deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking in to account the exercise of due diligence.” **18 U.S.C. § 3161(h)(8)(B)(iv)**. This, in turn, would also likely “result in a miscarriage of justice.” **18 U.S.C. § 3161(h)(8)(B)(i)**.¹ Therefore, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such continuance outweigh the best interests of the public and Defendant in a speedy trial. As such, the Court **GRANTS** Defendant’s Motion to Continue (Doc. 23.) The Court **CONTINUES** the jury trial scheduled for Monday, May 14, 2007 at 9:00 a.m. to **Monday, October 1, 2007 at 9:00 a.m.** The time from the date the original Motion to Continue (Doc. 23) was filed, April 2, 2007, until the date to which the trial is rescheduled, October 1, 2007, is excludable time for the purposes of speedy trial.

The Court additionally **ORDERS** this matter be set for a **STATUS HEARING** on Friday, June 8, 2007 at 11:30 a.m.

IT IS SO ORDERED.

Signed this 13th day of April, 2007.

/s/ _____ David RHerndon
United States District Judge

¹ The Court also believes this situation may constitute excludable time pursuant to **§ 3161(h)(B)(4)**, for “[a]ny period of delay resulting from the fact that the defendant is . . . physically unable to stand trial.” A finding under this subsection, however, would require further supporting evidence of Defendant’s current physical condition and physical abilities/limitations.